

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2009**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J. O'Leary, J. and Ikola, J. Toni Cajigal deputy clerk attending.

G039788 MADISON HARBOR, ALC
 v.
 TU MY TONG

Merits. Cause called. Appellant Tu My Tong argued in propria persona. MacKenzie T. Batzer argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2009 (cont'd)**

G038941 THE PEOPLE Not for publication
 v.
 SABREE M. TRIPLETT

Opinion filed. The judgment is affirmed.

BEDSWORTH, J.

We concur: RYLAARSDAM, ACTING P. J.
 ARONSON, J.

G039026 THE PEOPLE Not for publication
 v.
 MICHAEL C. RIZER

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: SILLS, P. J.
 O'LEARY, J.

G039677 THE PEOPLE Not for publication
 v.
 JAIME G. SALDANA

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.
 MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2009 (cont'd)**

GO40098 VIORELIA KIRIT-KIRIAK Not for publication
 v.
 GEORG KIRIAK

Opinion filed. The appeal is dismissed.

RYLAARSDAM, ACTING P. J.

We concur: MOORE, J.
 IKOLA, J.

G040272 KENJI KATO Not for publication
 v.
 SUPERIOR COURT; LEVEL 7, LLC et al.

Opinion filed. The petition is granted in part and denied in part.

FYBEL, J.

We concur: RYLAARSDAM, ACTING P. J.
 ARONSON, J.

G040329 THE PEOPLE Not for publication
 v.
 ERIC M. BOLES

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: MOORE, ACTING P. J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2009 (cont'd)**

G040763 GERALD H. FISHER Not for publication
 v.
 BATIA FISHER

Opinion filed. The order is affirmed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 IKOLA, J.

G040791 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 A.W.

Order filed. The above entitled cause is ordered submitted this date. (C.R.C. 8.416(g)(3)).

SILLS, P. J.

G040830 LUBERSKI, INC. Certified for publication
 v.
 OLEFICIO F. LLI AMATO S.R.L.

Opinion filed. The order is reversed.

IKOLA, J.

We concur: RYLAARSDAM, ACTING P. J.
 O'LEARY, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2009 (cont'd)**

G041240 JEFFREY W. BROKER et al. Not for publication
v.
SUPERIOR COURT; MICHAEL S. KOGAN

Opinion filed. The petition is granted.

RYLAARSDAM, J.

We concur: SILLS, P. J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2009 (cont'd)**

G037950 THE PEOPLE
 v.
 ODVEN L.M. LEON

Order filed. The petition for rehearing is denied.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 IKOLA, J.

G039105 JENNIFER HARDESTY Not for publication
 v.
 REX HARDESTY

Opinion filed. The order is reversed.

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.
 ARONSON, J.

G039812 THE PEOPLE Not for publication
 v.
 JAMES S. BENNETT

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: BEDSWORTH, ACTING P. J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2009 (cont'd)**

G040388 ROSE STAROW
v.
GARY STEIN

Order filed. The petition for rehearing is denied.

MOORE, J.

We concur: SILLS, P. J.
O'LEARY, J.

G040598 THE PEOPLE
v.
CHRISTOPHER M. SANDOVAL

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 24, 2009**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J. O’Leary, J., Aronson, J. and Ikola, J. Toni Cajigal deputy clerk attending.

G038417 In re OMAR PRYCE

Merits. Cause called. Elizabeth A. Missakian argued for petitioner. Kristen Chenelia, Deputy Attorney General argued for respondent. Cause submitted.

G040252 DAVID ENGEL
 v.
 ROBERT CAREY

Merits. Cause called. Ronald B. Funk argued for appellant. Daniel P. Barer argued for respondent. Cause submitted.

G040685 LAUREL KATZ
 v.
 SOLOMON KATZ

Merits. Cause called. Appellant Solomon Katz argued in propria persona. No appearance for respondent. Cause submitted.

G040863 KATHRYN LUND
 v.
 EARL LUND, JR.

Merits. Cause called. Steven E. Briggs argued for appellant. Lisa Hughes argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 25, 2009**

G038557 THE PEOPLE
 v.
 KENNETH LEUELU

Order filed. Pursuant to C.R.C. rule 8.256(e)(1), submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law. The issues raised require additional time for the preparation of the court's opinion. (C.R.C. rule 8.256(e)(1).

RYLAARSDAM, ACTING P. J.

We concur: ARONSON, J.
 IKOLA, J.

G039177 DIANE E. PAGE
 v.
 STUART E. PAGE

Not for publication

Opinion filed. The order is affirmed.

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.
 MOORE, J.

G040130 LINDA BAK et al.
 v.
 MCL FINANCIAL GROUP, INC. et al.

Order filed. Order modifying opinion and denying petition for rehearing; no change in judgment.

RYLAARSDAM, ACTING P. J.

We concur: ARONSON, J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 25, 2009 (cont'd)**

G040530 THE PEOPLE Not for publication
 v.
 DONALD E. SHELTON

Opinion filed. The judgment is affirmed.

BY THE COURT

Before Sills, P. J., Moore, J. and Fybel, J.

G040675 KWIKSET CORPORATION et al. Certified for publication
 v.
 SUPERIOR COURT; JAMES BENSON et al.

Opinion filed. The petition is granted.

RYLAARSDAM, J.

We concur: SILLS, P. J.
 BEDSWORTH, J.

G040737 MARIA L. AGUILAR Not for publication
 v.
 HONOLULU HOTEL OPERATING
 CORPORATION

Opinion filed. The order is affirmed.

RYLAARSDAM, ACTING P. J.

We concur: BEDSWORTH, J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2009**

G037190 BOONCHAI CHINDARAH et al. Certified for publication
v.
PICK UP STIX, INC., et al.

Opinion filed. The judgment is affirmed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 MOORE, J.

G038365 KENNETH B. BINNS Certified for publication
v.
WESTMINISTER MEMORIAL PARK

Opinion filed. The judgment is affirmed.

ARONSON, J.

I concur: O'LEARY, J.
I dissent: BEDSWORTH, J.

G039028 THE PEOPLE Not for publication
v.
HONORIO M. HERRERA

Opinion filed. The judgment is reversed and remanded.

RYLAARSDAM, ACTING P. J.

I concur: MOORE, J.
I dissent: ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2009 (cont'd)**

G039206 KIMOANH NGUYEN-lam Certified for partial publication
 v.
 SINH CUONG CAO

Opinion filed. The order is affirmed.

ARONSON, J.

We concur: SILLS, P. J.
 O'LEARY, J.

G039398 THE PEOPLE Not for publication
 v.
 JOSE M. ORENDAYN

Opinion filed. The judgment is affirmed.

RYLAARSDAM, ACTING P. J.

We concur: O'LEARY, J.
 MOORE, J.

G039709 THE PEOPLE Not for publication
 v.
 FRANVAZ KASRA

Opinion filed. The judgment is affirmed in part and reversed in part.

MOORE, J.

We concur: RYLAARSDAM, ACTING P. J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2009 (cont'd)**

G039990 THE PEOPLE Not for publication
 v.
 T.B.

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: MOORE, ACTING P. J.
 ARONSON, J.

G039994 THE PEOPLE Not for publication
 v.
 SHELLEY A. PULEX

Opinion filed. The judgment is affirmed.

BY THE COURT

Before Sills, P. J., Moore, J. and Fybel, J.

G040229 PATRICK J. HOOLIHAN, as Not for publication
 Executor, etc.
 v.
 JAMES WIENCEK et al., as Trustees,
 etc.,

Opinion filed. The order is reversed and remanded.

BY THE COURT

Before Sills, P. J., Moore, J. and Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2009 (cont'd)**

G040443 THE PEOPLE Not for publication
 v.
 HYANG LEE

Opinion filed. The judgment is affirmed; order remanded with instructions.

BY THE COURT

Before Sills, P. J., Moore, J. and Fybel, J.

G040712 DANIEL HILLMAN Not for publication
 v.
 ROSEMARY R. HILLMAN

Opinion filed. The judgment is affirmed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 IKOLA, J.

G041529 STATE OF CALIFORNIA et al. Not for publication
 v.
 SUPERIOR COURT; JUAN ALVAREZ et al.

Opinion filed. The petition is granted.

BY THE COURT

Before Sills, P. J., Moore, J. and Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2009**

G038352 MARYL E. GLADSTONE Not for publication
 v.
 PAUL R. VIRGA

Opinion filed. The order is affirmed.

ARONSON, J.

We concur: RYLAARSDAM, ACTING P. J.
 MOORE, J.

G038417 In re OMAR SHERIFF PRYCE Not for publication

Opinion filed. The petition is denied.

ARONSON, J.

We concur: RYLAARSDAM, ACTING P. J.
 IKOLA, J.

G039465 ROSALINDA ENRIQUEZ Not for publication
 v.
 AMERIFIRST MORTGAGE
 CORPORATION

Opinion filed. The judgment and order are reversed with directions.

ARONSON, J.

We concur: MOORE, ACTING P. J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2009 (cont'd)**

G039877 KENNETH R. MELTON Not for publication
v.
FIRST WESTERN CORPORATION et al.

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur: SILLS, P. J.
 IKOLA, J.

G039884 THE PEOPLE Not for publication
v.
J.R.

Opinion filed. The order is affirmed as modified.

BEDSWORTH, ACTING P. J.

We concur: MOORE, J.
 IKOLA, J.

G039923 TED E. CHRISTENSEN et al
 &
G040103 WILLIAM W. SMITH, Jr.

Order filed. Order granting request for publication.

ARONSON, J.

We concur: RYLAARSDAM, ACTING P. J.
 O'LEARY, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2009 (cont'd)**

G039923 TED E. CHRISTENSEN et al
 & v.
G040103 WILLIAM W. SMITH, Jr.

Order filed. Order modifying opinion; no change in judgment.

ARONSON, J.

We concur: RYLAARSDAM, ACTING P. J.
 O'LEARY, J.

G040020 THE PEOPLE Not for publication
 v.
 MARIANO T. MENDEZ

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur: MOORE, ACTING P. J.
 FYBEL, J.

G040044 KENNETH R. MELTON Not for publication
 v.
 LARRY BALLARD et al.

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur: SILLS, P. J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2009 (cont'd)**

G040738 THE PEOPLE Not for publication
 v.
 EULISES CRUZ PEREZ

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur: BEDSWORTH, ACTING P. J.
 FYBEL, J.

G040866 THE PEOPLE
 v.
 JOSEPH A. TIDWELL

Order filed. Pursuant to C.R.C. rule 8.256(e)(1) submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law.

SILLS, P. J.

We concur: O'LEARY, J.
 FYBEL, J.

G040888 THE PEOPLE
 v.
 TAVARES COTLAND SCOTT et al.

Order filed. Pursuant to C.R.C. rule 8.256(e)(1) submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period of 30 days.

RYLAARSDAM, ACTING P. J.

We concur: BEDSWORTH, J.
 ARONSON, J.